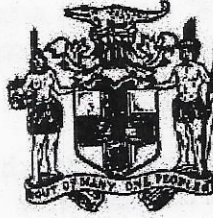


FISHING INDUSTRY (CONSERVATION
OF CONCH (GENUS STROMBUS))
REGULATIONS, 2000



THE
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SUPPLEMENT

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THE FISHING INDUSTRY ACT

**THE FISHING INDUSTRY (CONSERVATION OF CONCH (GENUS STROMBUS))
REGULATIONS, 2000**

In exercise of the power conferred upon the Minister by section 25 of the Fishing Industry Act and of every other power hereunto enabling, the following Regulations are hereby made:—

1. These Regulations may be cited as the Fishing Industry (Conservation of Conch (Genus Strombus)) Regulations, 2000.

2. In these Regulations—

"50% cleaned conch" means conch that has been removed from the shell and has had its viscera and operculum removed;

"commercial cold storage facility" means any premises, on shore or off shore, and includes vessels where conch meat is kept or stored for commercial purposes;

"conch meat" means processed or unprocessed conch and any derivatives thereof;

"eating establishment" means any place where conch is prepared or sold for human consumption and includes a mobile cart or unit, a roadside stand and a container in which conch is prepared;

"Fishery Management Area" means an area listed in the First Schedule hereto in which the fishing of conch is monitored by the Licensing Authority;

"immature conch" means conch—

(a) that has a shell the length of which is, from tip of the spire to the siphonal canal, less than 22 centimetres; or

(b) that does not have a shell with a flared lip;

"Individual Conch Quota" means the maximum weight of 50% cleaned conch that may be landed by any licensed fisherman, as allocated to that fisherman by the Minister, at least 30 days prior to the end of the close season;

"National Total Allowable Catch" means the maximum weight of 50% cleaned conch that may be landed by the aggregate of licensed fishermen, as determined by the Minister at least 30 days prior to the end of the close season.

3. The maximum weight of 50% cleaned conch which may be landed during the period outside of a close season for conch shall not exceed the National Total Allowable Catch.

4.—(1) The maximum weight of 50% cleaned conch which may be landed by a licensed fisherman in any one open season shall not exceed the Individual Conch Quota allocated to that licensed fisherman.

(2) A licensed fisherman who has been allocated an Individual Conch Quota shall be issued a certificate regarding such allocation.

(3) An Individual Conch Quota allocated to a licensed fisherman shall not be transferable and shall be valid for such period as is specified in the certificate referred to in paragraph (2).

5.—(1) Every licensed fisherman and every person in charge of a commercial cold storage facility, hotel or eating establishment which offers conch meat to its patrons, shall, in writing, declare to the Licensing Authority the level of processing and quantity of conch meat in their possession.

(2) A licensed fisherman shall give to the Licensing Authority the information required under paragraph (1) at least seven days prior to the commencement of each close season for conch.

(3) Subject to paragraph (4), a person in charge of a commercial cold storage facility, hotel or eating establishment shall give to the Licensing Authority the information required under that paragraph within seven days of the commencement of each close season for conch.

(4) A person in charge of a commercial cold storage facility shall, in addition to the information required to be given pursuant to paragraph (1), make further declarations to the Licensing Authority of—

- (a) the name, address and such other particulars as the Licensing Authority may require from time to time, which identify the persons for whom the conch meat is stored; and
- (b) the quantity and level of processing of any additional conch meat that he receives for storage in his facility during the close season for conch.

(5) Declarations in relation to the information specified in paragraph (4) (b) shall be made within 72 hours of the receipt of the conch meat.

(6) A declaration as to the level of processing of conch meat shall specify whether the conch is—

- (a) 50% cleaned;
- (b) 65% processed;
- (c) 85% processed;
- (d) 100% processed fillet;
- (e) ground conch;
- (f) of any other category specified by the Licensing Authority.

(7) The conversion factor used in ascertaining the level of processing shall be as specified in the Second Schedule hereto.

6.—(1) Subject to paragraph (2), no person shall sell, process or import conch meat during the close season for conch.

(2) Notwithstanding paragraph (1), where conch meat has been declared under regulation 5 to be in storage, that conch meat may be sold or processed during the first twenty-one days of the close season for conch.

7. A Fishery Inspector may at any reasonable time of day enter any processing plant, commercial cold storage facility, hotel or eating establishment or any other place in which conch meat is stored for the purpose of sale (hereinafter referred to as "prescribed premises") and may—

- (a) inspect the prescribed premises;
- (b) examine any conch meat found thereon;
- (c) determine whether the Individual Conch Quota has been exceeded by any licensed fisherman;
- (d) remove any conch meat that is found thereon, of which the Licensing Authority has not been informed pursuant to regulation 5; and

- (e) take, where he considers it appropriate, such other steps as may be deemed necessary to prevent the sale of conch meat therefrom.

8.—(1) A Fishery Inspector may, where he has reasonable grounds for suspecting that any offence against these Regulations is being committed or is about to be committed on any prescribed premises—

- (a) enter, and remain upon such premises;
- (b) request any person in charge of or employed in such premises to furnish such information as the Fishery Inspector may require for the purposes of these Regulations; and
- (c) give such directions as he considers necessary to prevent the commission or further commission of an offence against these Regulations.

(2) Any person who—

- (a) refuses, neglects or fails to comply with any direction given to him by any Fishery Inspector; or
- (b) refuses, without reasonable cause, to give any explanation which he is required by any Fishery Inspector to give; or

(c) assaults or obstructs any Fishery Inspector acting in the execution of his duty, is guilty of an offence and is liable on summary conviction thereof before a Resident Magistrate to a fine not exceeding five hundred dollars and, in default of payment, to imprisonment for a term not exceeding twelve months.

9. Where a Fishery Inspector is satisfied, pursuant to regulations 7 and 8 that—

- (a) the prescribed premises is in satisfactory condition; and
- (b) the storage of conch meat found thereon complies with the provisions of these Regulations,

he shall issue a certificate to that effect.

10. No person shall fish, collect, offer for sale or sell immature conch.

11. The Minister may at any time, by Order—

- (a) implement measures to conserve and manage the fishing of conch in any Fishery Management Area; and
- (b) prohibit fishing of conch in any Fishery Management Area for a specified period of time.

12. No person shall fish in a Fishery Management Area unless the Minister has declared that fishing may be allowed in that Area at that time.

13.—(1) Every licensed fisherman shall, using the relevant form specified in the Third Schedule hereto, declare to the Licensing Authority, such information in respect of each catch conducted.

(2) Every person in charge of a processing plant shall declare to the Licensing Authority such information as is required using the relevant form specified in the Third Schedule.

(3) The information received by the Licensing Authority pursuant to paragraphs (1) and (2) shall be used for the purposes of Fisheries Statistics.

(4) Any person who refuses, neglects or fails to comply with paragraph (1) or (2) is guilty of an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

14. Any person who contravenes any provision of these Regulations for which no penalty has been expressly provided shall be guilty of an offence and upon summary conviction before a Resident Magistrate shall be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

FIRST SCHEDULE

(Regulation 2)

Fishery Management Areas

The Island Shelf of Jamaica
 Pedro Bank
 Morant Bank
 Formigas Bank
 Henry Holmes Bank
 Albatros Bank
 Grappler Bank.

SECOND SCHEDULE

(Regulation 5)

Conversion Factors

| <u>Degree of Processing</u> | <u>Conversion Factor</u> |
|-----------------------------|--------------------------|
| 50% | 1.0000 |
| 65% | 1.1130 |
| 85% | 1.2821 |
| 100% | 1.4286 |

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